

ENTERED

September 20, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ELIE NASSER,

Plaintiff,

VS.

FINANCE OF AMERICA REVERSE LLC,
et al,

Defendants.

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CIVIL ACTION NO. 4:18-CV-4695

ORDER

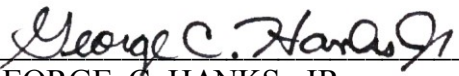
Pending before the Court is a motion filed by Plaintiff Elie Nassar (“Dr. Nassar”) in which Dr. Nassar requests that the Court “dismiss all of [Defendant Reverse Mortgage Solutions, Inc.’s] motions to dismiss [his] claims and strike them from the record.” (Dkt. 209 at p. 7). In his motion, Dr. Nassar explains that Defendant Reverse Mortgage Solutions, Inc. (“RMS”) cannot invoke its Chapter 11 bankruptcy proceeding to bar his claims because the presiding bankruptcy court has ruled that a related injunction does not apply to Dr. Nassar. (Dkt. 209 at pp. 6–7). *See* Southern District of New York bankruptcy case number 19-10412.

Dr. Nassar’s motion (Dkt. 209) is **DENIED as moot**. The Court has taken judicial notice that the bankruptcy court presiding over RMS’s bankruptcy issued an order specifically “find[ing] that the Plan Injunction [in RMS’s bankruptcy proceeding] is not binding on Dr. Nassar because he was a known creditor of Debtors,¹ and the Debtors

¹ The “Debtors” referenced in the bankruptcy court’s order included RMS. *See* Southern District of New York bankruptcy case number 19-10412 at docket entry 3136, page 2.

failed to provide him with actual notice of the General Bar Date, the Confirmation Hearing Notice, or any other matter arising in the [bankruptcy] case.” *See* Southern District of New York bankruptcy case number 19-10412 at docket entry 3136, page 24. The Court has given that information due consideration when making its rulings on the parties’ various motions; and the trial of this case, which has been postponed indefinitely on account of the ongoing global pandemic, will be set as soon as practicable.

SIGNED at Houston, Texas, this 20th day of September, 2021.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE